

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2017-0049**

TO ADOPT AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 22,
DIVISION 4, CHAPTER 13, SECTIONS 63750.80 AND 63850 ESTABLISHING THE
DRINKING WATER OPERATOR CERTIFICATION PROGRAM (DWOCP) FEE SCHEDULE

WHEREAS:

1. Article 3 of chapter 4 of Part 1 of Division 104 of the Health and Safety Code designates the State Water Resources Control Board (State Water Board) as responsible for the administration of the DWOCP;
2. The California Department of Public Health adopted California Code of Regulations, title 22, division 4, chapter 13 (commencing with section 63750.10) to implement the DWOCP (DWOCP regulations) before the program was transferred to the State Water Board;
3. Amendments to the Health and Safety Code enacted by chapter 305, statutes of 2016, require the State Water Board to review its fees each fiscal year so that the fee schedules provide the appropriate amount of revenue to recover the costs of the DWOCP and to compensate for past over-collection or under-collection of revenue;
4. Amendments to the Health and Safety Code enacted by chapter 305, statutes of 2016, also permit the State Water Board to establish reduced certification and certification renewal fees for all applicants holding two or more valid, unexpired certifications issued by the State Water Board as a water treatment operator, distribution operator, or wastewater treatment plant operator;
5. Pursuant to subdivision (d)(2) of Health and Safety section 106890, the State Water Board may adopt amendments to the fee schedules through the emergency rulemaking process and the emergency regulation will remain in effect until it is revised by the State Water Board;
6. The existing fee schedule in section 63850 of the DWOCP regulations includes a reduced certification and certification renewal fee for applicants holding both a water treatment operator certificate and a water distribution operator certificate. The State Water Board finds that it is appropriate to extend the reduced fee to all applicants holding two or more valid, unexpired certifications as a water treatment operator, distribution operator, or wastewater treatment plant operator;
7. Certain provisions in the DWOCP regulations are outdated or no longer in use and need to be updated or deleted by amending section 63850 and adding section 63750.80; and
8. Pursuant to subdivision (a) of Health and Safety Code section 106898, the DWOCP Advisory Committee met on August 9, 2017 to review and make recommendations on the proposed regulatory action.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts the amendments to California Code of Regulations, title 22, division 4, chapter 13 (sections 63750.80 and 63850) ([Attachment A](#)) as an emergency regulation;
2. The State Water Board authorizes the Executive Director or designee to transmit the emergency regulation to the Office of Administrative Law for approval and filing with the Secretary of State; and
3. The State Water Board authorizes the Executive Director or designee to make any non-substantive revisions to the regulation to address any concerns of the Office of Administrative Law.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 19, 2017.

AYE: Chair Felicia Marcus
Vice Chair Steven Moore
Board Member Dorene D'Adamo
Board Member E. Joaquin Esquivel

NAY: None

ABSENT: Board Member Tam M. Doduc

ABSTAIN: None



Jeanine Townsend
Clerk to the Board